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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

DENMARK

1. The Committee considered the third periodic report of Denmark on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.15) at its 11th, 12th and 13th meetings, held on 3 and 4 May 1999, and adopted, at its 26th meeting (twentieth session) held on 12 May 1999, the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its report, which follows the Committee's guidelines regarding both content and form, and for the comprehensive written answers to its list of issues. It notes that the information submitted in the report and that provided by the delegation in reply to both written and oral questions in the course of the consideration of the report enabled the Committee to obtain a comprehensive view of Denmark's compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights. The Committee also notes the information submitted by the Government of Denmark in a core document (HRI/CORE/1/Add.58), as well as the supplementary information submitted in response to the Committee's request during the consideration of the third periodic report.

3. The Committee considers that the dialogue established between the Government of Denmark and the Committee was very satisfactory. It also welcomes the participation of an official of the Government of Greenland in the Danish delegation.

B. Factors and difficulties impeding the implementation of the Covenant

4. The Committee notes the absence of any unsurmountable factors or difficulties preventing the effective implementation of the Covenant in Denmark.

C. Positive aspects

5. The Committee notes the high level of achievement by Denmark of its obligations in respect of the protection of the rights set forth in the Covenant. It notes with satisfaction that the Government of Denmark pays a great deal of attention to its activities for the promotion and protection of economic, social and cultural rights in accordance with the obligations undertaken under article 2 of the Covenant. The Committee commends the State party's long tradition of respect for human rights.

6. The Committee notes the significant degree of autonomy enjoyed by the people of Greenland, which is evident in the existence of an elected parliament, with devolved powers over a wide range of issues, inter alia education, health, taxation, trade, fisheries and hunting. It notes with appreciation that the culture of the Greenlandic community is well respected and, in particular, that the indigenous language is official and consequently may be used in contacts with public bodies and before the courts.

7. The Committee expresses its appreciation for the level of services provided to the population, in relation to social security, health care and education and for the elderly.

8. The Committee welcomes the measures taken to promote equality between men and women, in particular the enactment of the Act on Equal Payment (Act No. 639 of July 1992).

9. The Committee also welcomes the State party's policies and programmes which have resulted in the reduction of unemployment.

10. The Committee acknowledges the social assistance benefits being accorded to refugees, among them those contained in the Alien Integration Act, which include provision of temporary housing and other settlement benefits. The Committee also notes the efforts made by the State party to integrate foreign workers and their families.

11. The Committee commends the State party for its regular participation in multilateral development cooperation programmes, as well as for setting up a number of bilateral programmes, (for devoting 1 per cent of GDP to those activities) thus contributing to the realization of economic, social and cultural rights in other countries.

12. With regard to the promotion of human rights, the Committee commends the activities of the Danish Centre for Human Rights, such as courses for civil servants, seminars, courses at universities, the publishing of books and periodicals, and the provision of advice and information material to the public at large.

13. The Committee notes with satisfaction that the State party has set up a committee with the task of studying the possibility of incorporating the Covenant in domestic law.

D. Principal subjects of concern

14. The Committee regrets that the Covenant has not been incorporated in domestic law. It notes that, although the provisions of the Covenant may be directly invoked before the courts or referred to by the courts, there is no case law as yet. In this respect, the Committee expresses concern that lawyers and judges may not be sufficiently aware that the rights enshrined in the Covenant may be invoked before the courts.

15. The Committee is concerned at the information provided that highlights an emerging trend towards intolerance and violence against members of minority groups and foreigners in the State party.

16. The Committee is also concerned that the new Alien Integration Act may have a discriminatory impact on refugees.

17. The Committee is concerned that, although equality between men and women is established in law, it is not fully achieved in practice, in particular in the field of equal remuneration, and that, in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

18. While it notes with satisfaction the recent decrease in the percentage of the population who are unemployed, the Committee is still concerned that the level of unemployment remains high, especially among young people, foreign nationals, immigrants and refugees.

19. The Committee expresses its concern at the recent increase in the school drop-out rate, which particularly affects children from economically disadvantaged groups and children belonging to minorities.

20. The Committee notes with concern the information received with regard to the relatively high rate of youth suicide in the State party.

21. The Committee notes with concern the restrictions on the right to strike of teachers in the public sector, who cannot be considered as constituting an essential service.

E. Suggestions and recommendations

22. The Committee urges the State party to take appropriate steps to give full legal effect to the Covenant, so that the rights covered by it may be fully integrated into the legal system.

23. With regard to the emerging trend of violence against minority groups and foreigners, the Committee recommends that the State party monitor the situation to combat, effectively, such acts of violence.

24. The Committee also recommends that the State party carefully monitor the impact of the new Alien Immigration Act and urges it to take urgent remedial action if the legislation proves to have a discriminatory effect upon refugees.

25. The Committee encourages the State party to continue in its endeavour to eliminate the persisting inequality between men and women in relation to equal wages for work of equal value.

26. The Committee urges the State party to take all corrective measures to reduce the level of unemployment of young people, foreign nationals, immigrants and refugees.

27. The Committee also draws the attention of the State party to the emerging problem of school drop-out, which mainly affects children coming from vulnerable social groups, such as economically disadvantaged children or children belonging to minorities. In this regard, the Committee recommends that specific measures be taken to ensure that these children can complete their studies to the extent of their academic capacities.

28. The Committee encourages the Government to continue its efforts to combat the problem of youth suicide and it recommends that statistical data be collected and that thorough and targeted studies be conducted on the extent, the causes and the consequences of this problem. The Committee particularly draws the attention of the authorities to the importance to be given to detection measures and preventive policies, and encourages them to continue with their campaigns for the prevention of this phenomenon.

29. The Committee recommends that the State party take the necessary measures to assure the right to strike to the teachers in the public sector, since they do not constitute an essential service.

30. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

31. The Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the third periodic report which remain unanswered, inter alia regarding the question of devolution of responsibility to the Faeroes Islands, should be addressed in the State party's fourth periodic report.

32. The Committee wishes to receive from the State party any reactions it or any other State authorities may have with respect to the present concluding observations.

33. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and to inform the Committee on all steps taken to implement them.